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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,397	06/27/2003	Mack Woodbury	20022203.01	4803
7590	01/25/2005		EXAMINER	
John J. Swartz 908 Court Street Saginaw, MI 48602			WILSON, LEE D	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

10/606,397

Applicant(s)

WOODBURY, MACK

Examiner

LEE D WILSON

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/27/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "36", "25", and "10" have both been used to designate the framing tool or trim tool. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The disclosure is objected to because of the following informalities: Applicant is using different numbers to identify the same part with while using different names. Please note the above objections to the drawing where the framing tool is giving several different element numbers.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 4, 7, 9, and 10-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

a. Claims 4, 7, 9, and 10-19 states that there is some means rotating about an axis that moves second clamp face; however, this is not true because the screw is a clamp in itself and clamp faces are on the arms which are not said to be moved by rotation.

3. Claims 2, 5-7, 10-19, 21, and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

b. The following term are vague, indefinite, awkwardly, and confunsingly worded and/or have double inclusion:

- i. Claim 2 recites a trim clamp which is the same as a framing hand tool. Applicant should add the limitations recited for the frame tool to the framing clamp without using the trim tool term. This is double inclusion.
- ii. Claim 2 recites a pair of bars which are part of the workpiece which means these limitations do not further limit the apparatus.

Art Unit: 3723

iii. Claim 5 states that a linearly moveable means is mounting a first arm when in fact it is mounted "in" the first arm. Furthermore this element does not move or adjust the clamp arms.

iv. Claims 6, 8, 10, 15, and 41-42 are reciting a pair of right angularly related mounting support bars which are part of the workpiece which means these limitations do not further limit the apparatus. In regard to claim s10 and 41-42, a mounting support is also part of the workpiece as well.

v. Claim 6 recites a trim clamp which is the same as a framing hand tool. Applicant should add the limitations recited for the frame tool to the framing clamp without using the trim tool term. This is double inclusion.

vi. The preambles of claims 8-10 are not reciting the framing tool claimed in the independent claim but instead claim a trimming tool which claim is the same as the framing tool creating double inclusion of limitations.

vii. Claim 21 is claiming a pair of right angularly related trim members and these elements are defined as part of the workpiece so this is not part of the clamp assembly.

viii.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3723

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1- 38 and 40-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Kleinbongartz (6123326).

Kleinbongartz discloses a trimming and framing tool having a first and second clamp arms with faces ((4&5), a means with rotatable axis (7), and a means for urging clamp arms (10).

6. Claims 1- 38 and 40-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Zborschil (5427364).

Zborschil discloses a trimming and framing tool having a first and second clamp arms with faces ((4&3), a means with rotatable axis (6), and a means for urging clamp arms (5).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinbongartz (6123326) in view of Smith (3218058).

- c. Kleinbongartz is discussed above.
- d. Kleinbongartz does not disclose teeth.

Art Unit: 3723

e. Smith discloses a tool having a means with teeth which allows the tool be adjusted using an alternative adjusting means.

f. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Kleinbongartz device by replacing the means with a teeth means as taught by Smith which allows the tool be adjusted using an alternative adjusting means.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kriss and Chandler disclose a tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldw

January 4, 2005

A handwritten signature in black ink, appearing to read 'Lee D. Wilson', written in a cursive style.

LEE D. WILSON
PRIMARY EXAMINER